

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Alberth, Jr. et al.)
)
For: Method and Apparatus for Storing a)
Message for Playback during a)
User-Initiated Emergency)
Telephone Call from a Wireless)
Device)
)
Serial No.: 09/610,768)
)
Filed: July 6, 2000)
)
Examiner: Tran, T.)
)
Art Unit: 2684

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attention: Board of Patent Appeals and Interferences

**TRANSMITTAL OF APPEAL BRIEF, and
PETITION REQUESTING A ONE MONTH EXTENSION**

The enclosed brief is being filed in furtherance of the Notice of Appeal filed on February 9, 2009, and Notice of Panel Decision from Pre-Appeal Brief Review, mailed April 28, 2009. The present filing date of June 29, 2009, is within the permissible one month term for filing the present brief, measured from the Notice of Panel Decision from Pre-Appeal Brief Review, extended an additional month, where June 29, 2009, represents the first business day after June 28, 2009, which corresponds to a Sunday.

In connection with filing the Appeal Brief, a fee in the amount of \$170 is believed to be due, which corresponds to the fee (\$40) for filing an Appeal Brief after having been reduced by

an appropriately applied credit for previously paid fees (\$540 minus \$500), as well as the fee (\$130) associated with filing a Petition Requesting a One Month Extension. The fee for filing an Appeal Brief in the amount of \$540 has in effect already partially been paid, as the presently due fee is appropriately reduced by \$500, an amount corresponding to a previous amount already paid in connection with the previous filings of an Appeal Brief on August 23, 2005, and March 9, 2004. The previous Appeal Brief filing fees should be applied to the filing of a later Appeal Brief in the same application, because the prosecution was re-opened by the Examiner, prior to a decision on the merits by the Board. Consequently the previous fees paid are appropriate to be applied to a later filed Appeal Brief (see MPEP §1207.04).

The undersigned authorizes the Commissioner and respectfully requests that these fees be charged to Motorola's deposit account 50-2117. The Commissioner is further authorized to charge any additional fees deemed to be necessary in connection with the proper handling and consideration of the enclosed Appeal Brief in support of the appeal from the Examiner's final rejection, including any underpayments, and/or credit any overpayments to deposit account 50-2117.

Respectfully submitted,

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